IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WA.No. 840 of 2003()

AGAINST THE JUDGEMENT IN OP.6090/1999 Dated 20/03/2003
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APPELLANT: PETITIONER:

K.M.MOHAMMED SOOFI,
CHIEF ENGINEER (RTD.), HANSA MANZIL,
PERUNNA, CHANGANACHERRY.

BY ADV. SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SRI.JIKKU GEORGE JACOB

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO IRRIGATION DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.

2. KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

BY ADV. SRI.BABU VARGHESE, SC, KWA
GOVERNMENT PLEADER SRI.K.SANDESH RAJ
SRI.THOMAS MATHEW NELLIMOOTTIL,SC,KWA
SRI.SUNIL CYRIAC, SC, KWA
SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.A. 840/2003

Dated this the 23rd day of August, 2007

JUDGMENT

Radhakrishnan, J

Counsel submitted that the observation of the learned Single Judge that it is open to the Water Authority to invoke the provisions of Kerala Public Accounts Act or take any other remedies available to them to recover the amount would adversely affect his interest since he had retired from service as early as 31.10.1997. We make it clear that if no action has been taken so far for recovery of the amount as directed by the learned Single Judge, no further proceeding be initiated at this distance of time.

2. Counsel for the appellant also sought for a direction to the respondents to disburse the pensionary benefits with interest for the delayed payment due to the petitioner. This Court had already passed an interim order dated 8.3.2000 directing the Water Authority to pay the DCRG due to the appellant, but we are informed that the same has been paid only on 27.4.2003. If that be so, appellant is entitled to get the interest for the amount at the rate of 9% per annum from 8.3.2000 to 26.4.2003.

Writ appeal is allowed as above.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs